

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.)CIVIL ACTION NO. 04-12185-RGS
)
)
\$10,550 IN US CURRENCY,)
Defendant.)

UNITED STATES' MOTION FOR ENTRY OF DEFAULT

The plaintiff, the United States of America, by and through its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby requests that a default be entered in this action, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure against Raquel Arias and all other persons claiming an interest in the defendant property, described herein as: \$10,550 in United States currency, seized on May 28, 2004 at Logan International Airport (the Defendant Currency), for failure to file an answer or otherwise to defend, as provided for in Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims and 18 U.S.C. §983. The failure to submit a verified claim justifies the entry of default. See United States v. One-Sixth Share Of James J. Bulger In All Present And Future Proceeds of Mass Millions Lottery Ticket No. M246233, 326 F.3d 36, 40-41 (1st Cir. 2003) (failure to file a timely verified claim disqualifies putative claimant from participating in civil forfeiture action).

In support of this application, the United States submits the

attached Affidavit.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jennifer Hay Zacks
Jennifer H. Zacks
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100

Dated: February 15, 2005

SO ORDERED AND ALLOWED

RICHARD G. STEARNS
United States District Judge

Date: _____

CERTIFICATE OF SERVICE

I, Jennifer H. Zacks, Assistant U.S. Attorney, hereby certify that a true copy of the foregoing Motion for Entry of Default, as well as the Affidavit in Support of Motion for Entry of Default, was served upon Carlos J. Dominguez, Esquire, as counsel for Raquel Arias, Howe and Bainbridge Building, 232 Commercial Street, Boston MA 02109, by first class mail, postage prepaid.

/s/ Jennifer Hay Zacks
Jennifer H. Zacks
Assistant U.S. Attorney

